

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DONNA FALCARO, as personal
representative and heir of the Estate of
Anthony Saponarra

Plaintiff,

v.

Case No.: 2:20-cv-327-FtM-38MRM

INTEGON NATIONAL INSURANCE
COMPANY,

Defendant.

_____ /

ORDER¹

Before the Court is a *sua sponte* review of the file. On August 14, 2020, the Court granted Defendant's motion to dismiss Plaintiff's Second Amended Complaint in part. ([Doc. 29](#)). In doing so, the Court dismissed one count with prejudice and ordered Plaintiff to file an amended complaint by August 27, 2020. The Court warned, "Failure to file a timely amended complaint will lead to the closure of this case without further notice." ([Doc. 29 at 4](#)) (emphasis omitted). Yet Plaintiff neither filed an amended complaint nor sought an extension. By failing to comply with the Court's Order, Plaintiff shows a lack of interest in prosecuting this case. The Court, therefore, dismisses without prejudice for failure to prosecute and comply with a Court Order. See [Foudy v. Indian River Cty. Sheriff's Office](#), 845 F.3d 1117, 1126 (11th Cir. 2017).

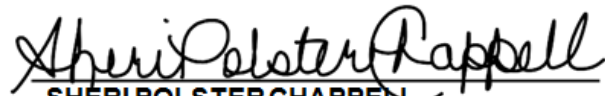
Accordingly, it is now

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

ORDERED:

- (1) This case is **DISMISSED without prejudice** for failure to prosecute and failure to comply with a Court Order.
- (2) The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of September, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record